

09/30/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13240

NAME AND ADDRESS: MARVIN BALL
2525 W 4000 N
REXBURG ID 83440

CHRISTIE BALL
2525 W 4000 N
REXBURG ID 83440

GERALD G BALL
25 E 1 N
SUGAR CITY ID 83448

SOURCE: WASTE WATER

TRIBUTARY: SINKS

QUANTITY: 0.480 CFS

PRIORITY DATE: 01/01/1951

POINT OF DIVERSION:

T06N R39E S2 SENENW Within MADISON County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

04/01 10/31

0.030 CFS

IRRIGATION

04/01 10/31

0.480 CFS

PLACE OF USE: IRRIGATION Within MADISON County

T06N R39E S02 Lot 2 NWNE 10.0 T06N R39E S02 Lot 3 NENW 12.0

STOCKWATER same as IRRIGATION

22 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

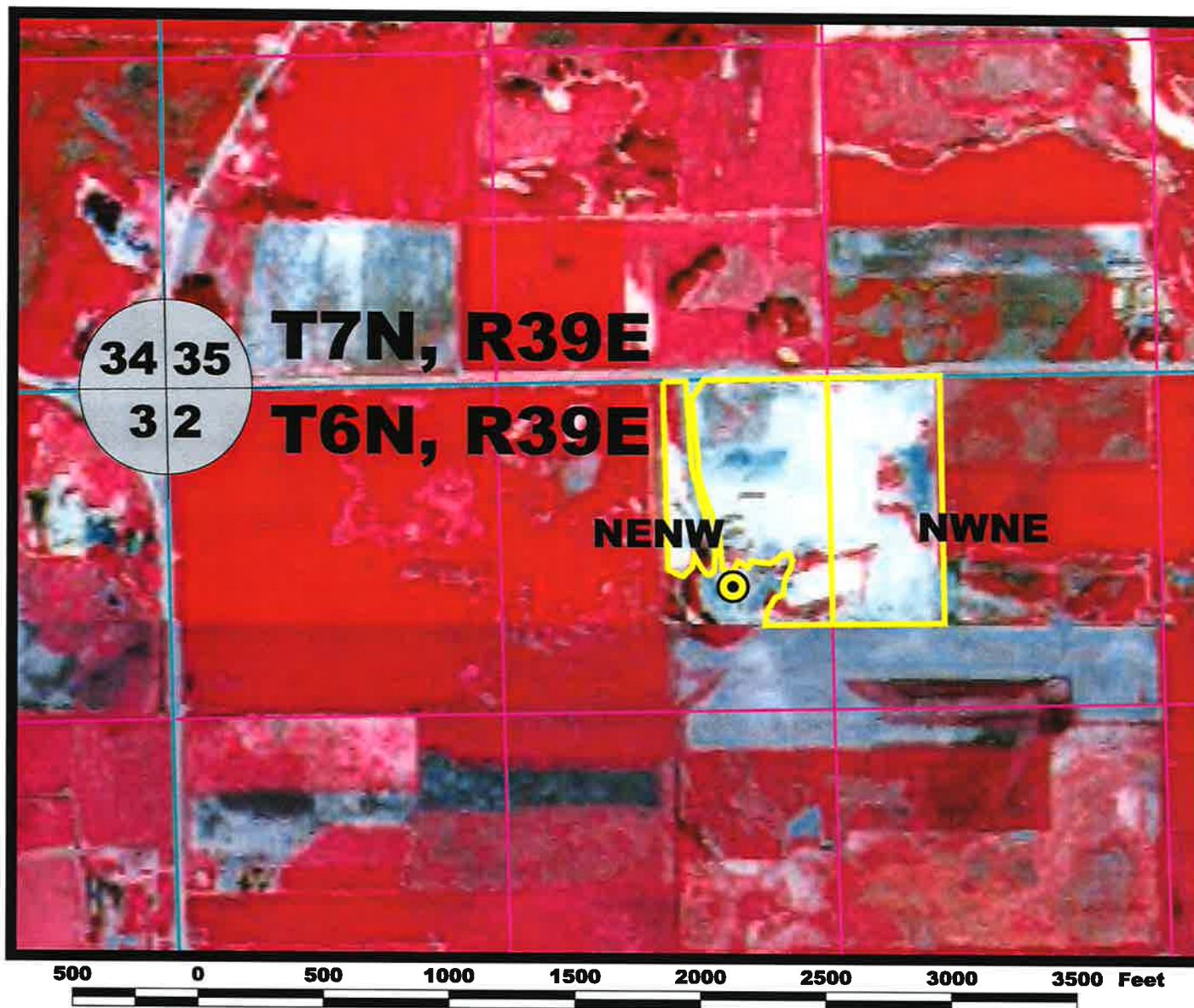
The source of this right is waste water originally diverted by Consolidated Canal.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-13240

Point(s) of Diversion:
T6N, R39E
Sec. 2 SENENW

Place of Use: (parts of)
T6N, R39E
Sec. 2 NENW, NWNE

LEGEND



Point of Diversion



Place of Use



Section



Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: September 2005

10/03/2005

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-13240

MARVIN BALL

2525 W 4000 N

REXBURG ID 83440

Telephone Number: (208)356-9483

CHRISTIE BALL

2525 W 4000 N

REXBURG ID 83440

Telephone Number: (208)356-9483

GERALD G BALL

25 E 1 N

SUGAR CITY ID 83448

Telephone Number: (208)356-4166

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 10-20-06

SIGNATURE: Christie Ball

Please print your name: Christie Ball

IDWR Regional Office,

KMS
10/30

Forwarded Cof D to Jennifer 10/30/06 KMS

November 4, 2006

GERALD G BALL
PO BOX 445
SUGAR CITY ID 83448

RE: CHANGE OF ADDRESS FOR 22-13240

Dear Claimant:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

GERALD G BALL
25 E 1 N
SUGAR CITY ID 83448

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Katy Jackson
Office Specialist 1

Enclosure(s)

*per phone call: Addy should be
P.O. Box 445
25 E 1 N
Sugar City ID 83448
Fixed addy. Kmo 11/08/06*

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

OK
JC

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

- Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
~~25-12574~~	22-13240				

- The following **REQUIRED** information must be submitted with this form:

- The appropriate **FILING FEE**. See instructions for fee amounts.
- A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

- Name and Address of Former Owner/Claimant(s)

Gerald G Ball

*

PO Box 445

- New Owner/Claimant(s)

Sugar City ID 83448

Name Connector (Check one): [] and, [] or, [] and/or

New Mailing Address

City, State and ZIP Code

New Telephone Number

- Date you acquired the property

* Gerald passed away in 2004. In his will he bequeathed his half of the farm to his brother, Marvin. His name should be removed from any documents of ownership. A copy of his will is attached. It was recorded at the Madison County Courthouse prior to his death.

Joy M Ball

10/1/00

Last Will and Testament of Gerald Glenn Ball

I, Gerald Glenn Ball, being of sound mind, do hereby declare my last will and testament on this, the first day of February, two thousand and four.

I declare that control of any assets—investments, properties, insurance benefits—listed solely in my name shall be given to Joy Moss Ball, my wife. In the event that Joy Moss Ball should precede me in death, all said assets shall be divided equally between my two children, Darla Jilene Ball Brady and Aaron Gerald Ball.

I bequeath my half of the farm jointly owned by myself and my brother, Marvin James Ball, to Marvin James Ball.

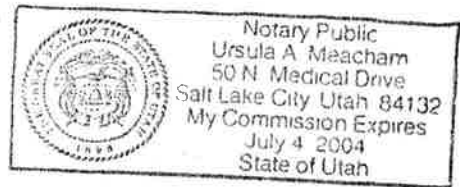
I appoint William Darrell Moss to be the executor of my estate.

Gerald Glenn Ball

Gerald Glenn Ball

Witnessed on this first day of February, two thousand and four, by:

Roxana J Wells



Sarah L Baker

2-1-04

Ursula A. Meacham

Notary Public



A22-13240 7/30/2004
Point of diversion
Bac

AAZ-13240 7/30/2004
POU looking east along south edge of POU
Bas



A22-13240 7/30/2004
pool looking SE from north end of driveway
Box



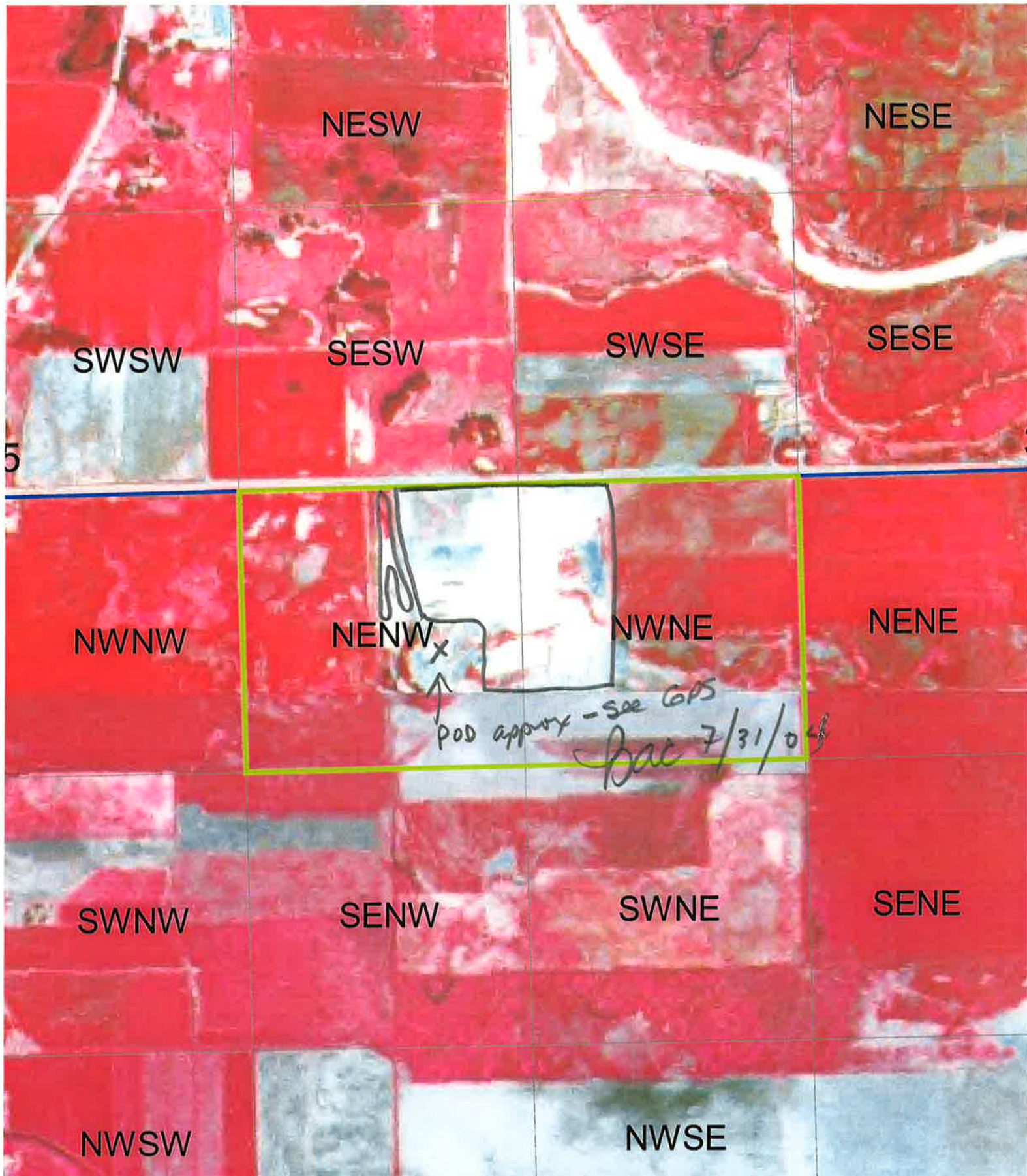
Bac

A22-13240 7/30/2004
West pasture pole looking South from N end of
driveway. Pond is connected to the pond
that the pump draws from. P.O.D. is in
the trees at the left.



POD

22-13240



Claim No. 22-13240

Document Checklist

☐ Copy License/Decree _____

☐ Copy Transfer _____

☐ Copy Licensing Field Exam _____

☐ Check if Ownership/Address Change is Required _____

☒ Generate, mail and file "Evidence of Priority" letter

Sent letter to 2 addresses

☒ Generate Arcview Map

*6/30/04 - Priority 12/31/1957 - Del Ray Gould Affidavit. Bac
- I-C can't measure use Ruking notes (2002) for theoretical*

7/1/04 - Not in WMIS

7/24/04 356-9483 no answer

7/28/04 7:20 AM 356-9483 msg on machine

7:20 AM 356-4166 msg on machine

Marvin Ball - 8 AM @ 2525 N

7/30/04 - Met w/ Marvin Ball

1) Gerald passed away - send change ownership

Contacts Data Entry Form

Claim Number: A22-13240

Owner Type	Full Name	Address	City	State	Zip
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Current Owner: Marvin or Christie Ball Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

- 1) Gerald Ball is deceased. Marvin will wait change of ownership when will is probated. Form mailed to Marvin 8/2/04
- 2) Marvin address is correct
- 3) Claim has been amended to correct number of cattle & stockwater diversion rate.

- Photos
- 1) Pump @ POD
 - 2) Looking South at pond / west pasture from N driveway on west side
 - 3) Looking SE at long field from N driveway
 - 4) Looking E at POD from near POD

Reviewer: BacDate: 2/31/04

Water Right No(s). A22-13240

GPS DATA:

Tag # _____ Location: GPS Waypoint 22
2674308 E 1411197 N D07M83

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: 10 hp per owner
SN: _____

PUMP

Make: _____ Model: centrifugal Disch: _____
SN: _____

NOTES:

Field Exam Date: 7/31/04 Agent: Bac

POU: 6N 39B SEC. 2 PLOTS OF NEBW, NINE TOWNS: 22A5⁺

NOTES: BEGAN USING WASTE WATER FROM LOW SPOT IN

TOPOGRAPHY IN 1983 USING A PTO DRIVEN PUMP.
 INSTALLED ELECTRIC PUMP ABOUT 1987 FOR FLOOD IRING.
 CHANGED TO SPARKER IRING IN 1995. 10 HP PUMP. RATED
 AT 210 GPM: 40 NOZZLES, 5/32" @ 55 PSI (5.39 GAL/NOZZLE)
 $E = 215 \text{ } ^\circ\text{gpm} = 0.48 \text{ cfs}$
 LIVESOCK: 20 PAIR (COULERT) = 0.02 cfs (NOV. ADJUSTIVE)

THIS WATER ORIGINATES AS CONSOLIDATED CANAL
 WATER USED ON SURROUNDING PROPERTIES AS FLOOD.

6/4/02 TALKED WITH DEL RAYBOURD. MR. RAYBOURD BEGAN PUMPING
 FROM THIS SOURCE IN MID 1950's. HE WILL DRAFT AN
 AGREEMENT AND PAY FOR EVIDENCE OF PRIORITY - THIS
 NOTE: CLAIM IS FILED W/ 01/01/1951 PRIORITY - THIS
 DATE WILL NEED TO BE CHANGED TO CONFORM TO MR.
 RAYBOURD'S AFFIDAVIT.

Mr. Ray

6/4/02 *Waste Water Claim*

Season of Use and Quantity Data Entry Form

Claim Number: _____

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Permit	4/1	10/31	0.48	
~~Stock~~	~~01/01~~	~~12/31~~	~~0.02~~	
Stock	01/01	12/31	0.04	

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Permit	4/1	10/31	0.48	
Stock	4/1	10/31	0.03	

Overall Diversion Rate 0.48

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Amended to 100 HD CATTLE @ 0.04 cfs - According to Consumption
TABLE 100 HD STOCK NEED 0.03 cfs - NON ADDITIVE SINCE SOURCE
IS WASTEWATER AND NOT AVAILABLE YEAR ROUND

Reviewer: _____

Date: _____

June 4, 2002

• TO WHOM IT MAY CONCERN:

This is to make of record that about 1957 I, Dell Raybould did begin to reclaim water from a pond in the NE 1/4 of the NW 1/4 of Sec. 2 T. 6 N. R. 39E.

This was to reclaim seepage water from irrigation from fields adjacent to the above described pond. This was a natural pond with no outlet to any stream or man made channel. Water was pumped from the pond with a tractor mounted pump to a lateral sprinkler line, irrigating lands that were difficult to irrigate by flood irrigation due to unevenness of the land and the soil being shallow and not conducive to leveling.

This practice continued until the property was sold to Mr. Marvin Ball, and I understand that he has continued to pump from this pond in the same manner as I did.

Yours truly,



Dell Raybould
3215 N 2000 W
Rexburg, ID 83440

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number

422-13240

Date Received

Receipt Number

Amended

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Amended

Please type or print clearly

1. Name of Claimant (s) Marvin or Christie Ball Phone (208) 356-9483Mailing Address 2525 W 4000 N Rexburg ID Zip 834402. Date of Priority (Only one (1) per claim) 01/01/19513. Source of water supply (a) Wastewater
which is tributary to (b) Sinks4. a. Location of existing point of diversion is: Township 06 N Range 39 E Section 2,
SE 1/4 of NE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Madison

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. see original claim

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irr purposes from 4/1 to 10/31 amount 0.48 or _____

For Stockwater purposes from 01/01 to 12/31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.52 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 100 head stock cattle

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below. :

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
<u>6N</u>	<u>39E</u>	<u>2</u>	<u>8</u>				<u>14</u>												<u>22</u>
			<u>5</u>				<u>5</u>												

Total number of acres irrigated 22

11. In which county (ies) are lands listed above as place of use located? Madison

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None ()

14. Remarks: This amended claim only
changes diversion rate for stockwater
and number of cattle

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature (s)
(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled
"How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____
wish to receive and pay a small annual fee for monthly copies of the docket sheet.
Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.
Signature of Claimant (s) Maura Ball Date 7-30-04

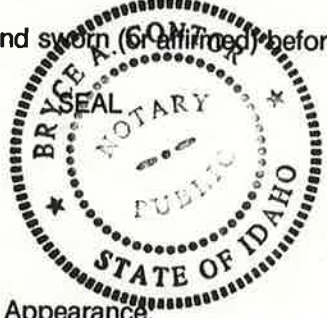
Date _____

For Organizations: I do solemnly swear or affirm that I am _____
of _____ Title _____
Organization _____, that I have signed the foregoing
document in the space below as _____ of _____
Title _____ Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____
Title and Organization _____ Date _____

State of Idaho/or _____)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 30th day of July 2004
Notary Public Bryce A. Contor
Residing at Mud Lake
My Commission Expires 10/14/2005
Please Print Name _____



17. Notice of Appearance.
Notice is hereby given that I, _____ will be acting as attorney at law on behalf
of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above
should be mailed to me at the address listed below.

Signature _____
Address _____
Date _____

Last Name _____ Ident. Number _____

Scale: 2 inches equals 1 mile

A large grid of graph paper, consisting of 20 columns and 20 rows of squares. Each square contains a small crosshair pattern. In the center of the grid, the words "See original claim" are handwritten in blue ink.

Copies: White-State, Yellow-Claimant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 22-13240
Date Received: 6/4/2002
Receipt No: E027819
Received By: ABR 6/4/02

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

MARVIN BALL Phone: (208)356-9483

2525 W 4000 N
REXBURG ID USA 83440

CHRISTIE BALL Phone: (208)356-9483

2525 W 4000 N
REXBURG ID USA 83440

GERALD G BALL Phone: (208) 356-4166

25E 1 NORTH
SUGAR CITY ID USA 83448

2. Date of Priority: 01/01/1951

3. Source: WASTEWATER Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06N	39E	2	SE NE NW	MADISON	

5. Description of diverting works:

WASTEWATER FROM FLOOD IRRIGATION OF SURROUNDING PROPERTIES. THIS IS A LOW POINT IN THE TOPOGRAPHY. USES A 10 HP PUMP TO SPRINKLER IRRIGATION SYSTEM.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.48	
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.48 C.F.S.

8. Total consumptive use:

A2213240



9. Non-irrigation uses:
Number of other uses: 20

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06N	39E	2	NE	NW	IRRIGATION	14
			NW	NE	IRRIGATION	8
					Section Acres	22
					Total Acres	22

11. Place of use in counties: MADISON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

PRIORITY DATE TO BE BASED ON AFFIDAVIT OF PRIOR OWNER.

15. Basis of Claim:

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Mawin Ball Date: 6-4-02

Date:

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 4th
of June 2002

Aaron B. Ruberry
Notary Public

Residing at Bozho Falls ID

My commission Expires 9/23/03



FREMONT COUNTY
(RAYBOULD)

pod

pod

T. 6N. R39E.



E-4